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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Robert Drake et al.

Serial No.:

10/573,908

Filed:

December 18, 2006

For: DEPOSITION OF THIN FILMS

Docket No.:

MSP638PCT1US/071049.00006

Group Art Unit:

1762

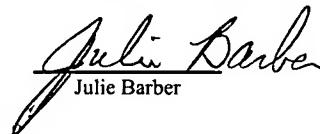
Examiner:

Unknown

I hereby certify that the enclosed Information Disclosure Statement and attached SB/08/A and/or SB/08/B are being transmitted via First Class Mail in an envelope addressed to the Commissioner of Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below.

December 23, 2008

Date

  
Julie Barber

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the patentability and/or examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Second Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g) ), an admission that the information cited is, or is considered to be, material to patentability and/or examination, or that no other material information exists. The filing of this Supplemental Information Disclosure Statement shall not be construed as an admission against interest in any manner.

- ☒ Submitted herewith is Form PTO/SB/08a listing patents, publications, or other information for consideration by the Office.

**COPIES PROVIDED:**

- ☒ Legible copies of all items listed on Form PTO/SB/08a accompany this Supplemental Information Disclosure Statement, except copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.

- ☐ Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [ ], filed on [ ]. The following references were submitted to and/or

cited by the Office on this prior application and are therefore not required to be provided in this application:

☐ In accordance with 37 C.F.R. §1.98(c), a copy of only [ ] is being submitted with this Supplemental Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO/SB/08A:

#### **FOREIGN LANGUAGE DOCUMENTS**

☐ There are no foreign language documents listed on Form PTO/SB/08a.

☒ English language abstract for the following non-English references are enclosed:

<b><u>Foreign Patent Document</u></b>	<b><u>Publication Date</u></b>	<b><u>Name of Patentee or Applicant of Cited Document</u></b>
DE19546187	1997-06-12	Manfred et al.
DE19924108	2000-11-30	Schneider et al.
DE19742619	1999-01-28	Branston et al.
DE19955880	2001-05-23	Lange et al.
FR2713511	1995-06-16	Dumas et al.
JP62227905	1987-10-06	Katsuya et al.
JP03-115578	1991-05-16	Notomi et al.
JP11-241165	1999-09-07	Yuasa et al.
WO95/18249	1995-07-06	Miyakawa et al.
WO99/06204	1999-02-11	Bolte et al.
WO99/66096	1999-12-23	Branston et al.
WO01/38596	2001-05-31	Lange et al.
WO01/41942	2001-06-14	Ben-Malek et al.
WO01/76773	2001-10-18	Thyen et al.
WO02/26401	2002-04-04	Ben-Malek et al.
WO02/40742	2002-05-23	Yara et al.

☒ Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:

JP07-328427  
JP07-062546  
JP07-138761  
JP08-078529  
JP10275698  
JP2000-192261  
JP2000-319427  
JP2001-087643  
JP2002-057440  
JP2000-212753  
JP11-029873

☐ No English language translations of the foreign language patents, publications or information or

parts thereof are readily available, except for those listed above.

- ☐ The following foreign language documents are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

**Cited Art**  
**WO95/18249**

**English Equivalent**  
**6,342,275**

- ☐ Submitted herewith is an English language version of a PCT search report listing information not in the English language and indicating the degree of relevancy found by the International Bureau of WIPO, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.
- ☒ A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

**Foreign Patent**  
**Document**

**Explanation of Relevance**

<b>DE19546187</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a plasma-aided surface treatment at atmospheric pressure in which the surface of a substrate is treated with a gaseous monomer before entry into a treatment chamber.
<b>DE19742619</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method and apparatus for introducing powdery solids or liquids into an inductively coupled plasma. The solids or liquids are converted into an aerosol that is fully evaporated in the plasma.
<b>DE19924108</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a plasma polymer coating that is useful for coating electrical equipment housings, window frame, etc. The coating is formed by atomizing a compound into a plasma.
<b>DE19955880</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a metal coating process, e.g. for steel parts used in vehicles, that involves forming a coupling layer by generating a plasma discharge in a gaseous mixture of in inert gas and/or oxidizing gas containing organo-silicon compound.
<b>FR2713511</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a process for producing an unstable or excited species-containing gas at close to atmosphere pressure.
<b>JP62227905</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses polymerization of vinyl monomer.
<b>JP11-241165</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses production of surface-treated articles.
<b>WO99/06204</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a corona-type device for treating a substrate surface, with the device comprising an electrode mounted inside a housing.
<b>WO99/66096</b>	The relevancy of this document as presently understood is obtained from the

	English language abstract which indicates that this document discloses a method and device for producing a powder aerosol and use thereof in a plasma burner to form a coating on a substrate.
<b>WO01/38596</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for producing a coating system, which is comprised of an adhering layer and of an organic coat on a substrate, whereby the adhering layer is produced by means of a barrier discharge carried out in an aerosol consisting of an organosilicon compound.
<b>WO01/41942</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for depositing a coating on the wall of metallic containers using a plasma at a pressure close to atmospheric pressure.
<b>WO01/76773</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for depositing a polymer layer by supplying an organic compound into a filamented gas discharge.
<b>WO02/26401</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method for deposition of an internal coating in a plastic container, the method being plasma-assisted under pressure close to atmospheric pressure.
<b>WO02/40742</b>	The relevancy of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a method and device for atmospheric plasma processing configured such that process gas is exhausted near a processed part.

☐ A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

**CERTIFICATION:**

- ☒ The Supplemental Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.
- ☐ The Supplemental Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application and after the mailing date of the first Office Action on the merits, but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:
- ☐ each item of information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement; 37 C.F.R. §1.97(e)(1); **OR**
- ☐ no item of information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Supplemental Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**
- ☐ Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of

an Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(c). A check in the amount of **\$180.00** for the IDS submission fee is enclosed.

☐ The Supplemental Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but is being filed on or **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:

☐ each item of information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**

☐ no item of information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**

☐ Applicant hereby petitions for consideration of this Supplemental Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). If a check is not enclosed, please charge the petition fee of **\$180.00** Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.

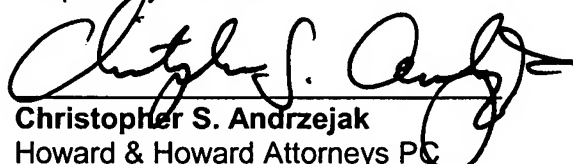
The Commissioner is authorized to charge Howard & Howard Attorneys PC Deposit Account No. 08-2789 for any additional fees due hereunder.

Reg. No.: 57,212

Date **December 23, 2008**

Customer No. 27305

Respectfully submitted

  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10573908
Filing Date	2006-12-18
First Named Inventor	Robert Drake et al.
Art Unit	1762
Examiner Name	N/A
Attorney Docket Number	MSP638PCT1US/071049.00006

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

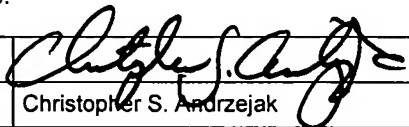
☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	2008-12-23
Name/Print	Christopher S. Andzejak	Registration Number	57212

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.